

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE TREMONT SECURITIES LAW,
STATE LAW AND INSURANCE
LITIGATION

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Master File No.
08 Civ. 11117 (TPG)

This Document Relates to:
THE INSURANCE ACTION, 09 Civ. 557 (TPG),
specifically to:

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THE INTERNATIONAL DAD TRUST,

Plaintiff,

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-against-

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11 Civ. 1687 (TPG)
ECF Case

TREMONT OPPORTUNITY
FUND III, L.P., ET AL,

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Defendants.

**STIPULATION AND [PROPOSED] ORDER DISMISSING CERTAIN CLAIMS
IN PLAINTIFF'S FIRST AMENDED COMPLAINT**

WHEREAS, on December 19, 2011, Plaintiff The International DAD Trust filed a First Amended Complaint; and

WHEREAS, on February 14, 2012, Defendants filed separate motions to dismiss the Plaintiff's First Amended Complaint with respect to the claims asserted against them;

IT IS HEREBY STIPULATED, by and between the undersigned counsel for the parties, and subject to the approval of the Court, as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff dismisses the following claims with prejudice and with each party bearing its own fees, costs and expenses:

a. the Second Cause of Action for violation of the Texas Securities Act article 581-33F(1) against all Defendants;

b. the Third Cause of Action for violation of the Texas Securities Act article 581-33F(2) against all Defendants; and

c. the Fifth Cause of Action for common-law negligence against Defendants Tremont Opportunity Fund III, L.P., Tremont International Insurance Fund, L.P., Tremont Partners, Inc., Rye Investment Management, and Tremont Group Holdings, Inc.

2. Accordingly, pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff dismisses all claims against Defendants Massachusetts Mutual Life Insurance Company, MassMutual Holding LLC and Oppenheimer Acquisition Corp. with prejudice and with each party bearing its own fees, costs and expenses.

3. All other claims asserted in Plaintiff's First Amended Complaint shall remain pending. Defendants Tremont Opportunity Fund III, L.P., Tremont International Insurance Fund, L.P., Tremont Partners, Inc., Rye Investment Management, and Tremont Group Holdings, Inc.'s Motions to Dismiss shall also remain pending, and the deadline for those Defendants to file any reply brief in support of their Motions to Dismiss shall be filed no later than twenty (20) days after Plaintiff files any memorandum in opposition as set forth in the Parties' stipulation ordered by the Court on February 3, 2012 (Dkt. Entry 666 in 08 Civ. 11117).

Dated: March 15, 2012.

Respectfully submitted,

LOOPER REED & MCGRAW, PC

By: /s/ Ralph C. Perry-Miller

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SO ORDERED:

Hon. Thomas P. Griesa, United States District Judge

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this 15th day of March, 2012, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Ralph C. Perry-Miller

RALPH C. PERRY-MILLER